

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DERYL DION MORROW,

Plaintiff,

vs.

Case No. CIV 09-00395 JCH/RHS

**SANTA FE BOYS & GIRLS
CLUBS,**

Defendant.

**PLAINTIFF'S MOTION/APPLICATION FOR ATTORNEY'S FEES PURSUANT
TO MEMORANDUM OPINION AND ORDER ENTERED JANUARY 15, 2010**

COMES NOW Plaintiff Deryl Dion Morrow (hereinafter "Plaintiff"), by and through counsel of record, Quiñones Law Firm (Carlos M. Quiñones, Esq.), and pursuant to the Court's Memorandum Opinion and Order entered January 15, 2010, hereby submits his Motion/Application for Attorney's Fees. In support of this Motion, Plaintiff would show the following:

1. In its Memorandum Opinion and Order entered January 15, 2010, the Court granted Defendant's Motion to Set Aside Clerk's Entry of Default.
2. In that same Memorandum Opinion and Order, the Court ordered that no later than 30 days after entry of the Memorandum Opinion and Order, Plaintiff could file his motion or application for attorney's fees "incurred in filing the motion for default judgment, the praecipe, and his response to the motion to set aside the default." (Mem. Op. and Order at p. 4).

3. Plaintiff respectfully submits the billing statement document identified as “Application for Attorney’s Fees” (attached hereto as Exhibit 1 and fully incorporated herein) of all tasks performed concerning the default issue, as identified by the Court in its Memorandum Opinion and Order at p. 4.

4. Undersigned counsel for Plaintiff has executed an Affidavit declaring under penalty of perjury that the foregoing attorneys fees and associated tasks contained in Exhibit 1 are correctly stated, were necessarily incurred in this action and the services for which fees have been charged were actually and necessarily performed on the tasks identified by the Court in its Memorandum Opinion and Order. (Said Affidavit is attached hereto as Exhibit 2 and is fully incorporated herein).

5. As reflected on Exhibit 1, the total amount of attorney’s fees, plus gross receipts tax, for the tasks identified per the Court’s Memorandum Opinion and Order is \$2,755.59.

WHEREFORE, premised considered, Plaintiff respectfully moves this Court for an Order awarding attorney’s fees to Plaintiff per the Memorandum Opinion and Order entered January 15, 2010, and for such other and further relief as may be deemed appropriate by the Court.

Respectfully submitted,

QUINONES LAW FIRM

By /s/ electronically filed
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It is hereby certified that undersigned counsel filed the foregoing electronically through the CM/ECF system on February 13, 2010, which caused the following counsel to be served by electronic means:

Josh E. Eden, Esq.
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